

MAY 11 2004

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKE, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.

OF COUNSEL
JOHN D. POFFENBERGER
THOMAS W. FLYNN

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-6234

EMAIL: Info@whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

OFFICIAL

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.
KATHRYN E. SMITH
KRISTI L. DAVIDSON
P. ANDREW BLATT, PH.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
WESLEY L. STRICKLAND (VA, DC BAR ONLY)
STEVEN W. BENINTENDI, PH.D.

TECHNICAL ADVISORS
HENRY M. LABODA, PH.D.

May 11, 2004

FACSIMILE COVER SHEET

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: David E. Jefferies

Fax: 703-872-9306

Re: Serial No: 09/765,151
Filed: January 17, 2001
Applicant: Gilbert R. Gonzales et al.
Title: COMBINATION AND
METHOD INCLUDING A VISUAL
MARKER FOR DETERMINING
COMPLIANCE WITH A
MEDICATION REGIMEN
Our File: PEDI-27

Pages: 4 (including cover sheet)

MESSAGE/COMMENTS

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

**RECEIVED
CENTRAL FAX CENTER****PATENT**

MAY 11 2004

OFFICIAL**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent & Trademark Office at facsimile no. (703) 872-9306 on May 11, 2004.


Ginger M. Graff
Date**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No: 09/765,151
Filed: January 17, 2001
Applicant: Gilbert R. Gonzales et al.
Title: COMBINATION AND METHOD INCLUDING A VISUAL MARKER
FOR DETERMINING COMPLIANCE WITH A MEDICATION
REGIMEN
Art Unit: 3751
Examiner: Anu Ramana
Attorney Docket: PEDI-27 (formerly UNSP-04)

Cincinnati, Ohio 45202

May 11, 2004


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND OF REQUEST FOR CONTINUED EXAMINATION FEE

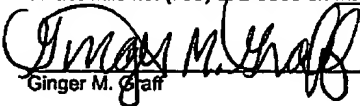
A Request for Continued Examination was filed in the above-identified application on February 20, 2004. Our Deposit Account No. 23-3000 was charged in the amount of \$770.00, the fee for large entity status set forth in 37 C.F.R. § 1.17(e). Pursuant the enclosed Notification of Entitlement to Small Entity Status, Applicants are entitled to a refund in the amount of \$385.00 under 37 C.F.R. § 1.28(a). Please forward a check to the undersigned at the address below at your earliest possible convenience.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: 
David E. Jefferies, Reg. No. 46,800

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 421-7269 (facsimile)

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent & Trademark Office at facsimile no. (703) 872-9306 on May 11, 2004.	
 Ginger M. Graff	5/11/04 Date

RECEIVED
CENTRAL FAX CENTER

PATENT

MAY 11 2004

OFFICIAL**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No: 09/765,151
Filed: January 17, 2001
Applicant: Gilbert R. Gonzales et al.
Title: COMBINATION AND METHOD INCLUDING A VISUAL MARKER
FOR DETERMINING COMPLIANCE WITH A MEDICATION
REGIMEN
Art Unit: 3751
Conf. No: 6299
Examiner: Anu Ramana
Attorney Docket: PEDI-27 (formerly UNSP-04)

Cincinnati, Ohio 45202

May 11, 2004


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTIFICATION OF ENTITLEMENT TO
SMALL ENTITY STATUS (37 C.F.R. § 1.27)**

Applicants hereby notify the Patent and Trademark Office that it is entitled to status as a small entity for the above-referenced application.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



By: _____
David E. Jefferies, Reg. No. 46,800

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 421-7269 (facsimile)